

Montana Department of Natural Resources and Conservation
Water Resources Division
Water Rights Bureau

ENVIRONMENTAL ASSESSMENT
For Routine Actions with Limited Environmental Impact

Part I. Proposed Action Description

1. Applicant/Contact name and address: Leo Murnion
PO Box 307
Jordan, MT 59337
2. Type of action: Application for Beneficial Water Use Permit No. 40E 30066474
3. Water source name: Unnamed Tributary to the Missouri River (Fort Peck Lake)
4. Location affected by project: SWSE Section 22, T22N, R40E, Garfield County
5. Narrative summary of the proposed project, purpose, action to be taken, and benefits:
The proposed project is an on-stream reservoir to be used for stockwater and irrigation of 15 acres. The point of diversion is located SWSE Section 22, T22N, R40E, Garfield County. The place of use is W2 Section 22 for irrigation and SWSE Section 22 and N2 Section 27 for stock use. Construction of the dam and reservoir is already completed and it has been in place for over 45 years.

The DNRC shall issue a water use permit if an applicant proves the criteria in 85-2-311 MCA are met.

6. Agencies consulted during preparation of the Environmental Assessment:

USDA Web Soil Survey
Montana Natural Heritage Program
US Fish & Wildlife Service
National Wetlands Inventory

Part II. Environmental Review

1. **Environmental Impact Checklist:**

PHYSICAL ENVIRONMENT

WATER QUANTITY, QUALITY AND DISTRIBUTION

Water quantity - Assess whether the source of supply is identified as a chronically or periodically dewatered stream by DFWP. Assess whether the proposed use will worsen the already dewatered condition.

Determination: The source is an ephemeral stream; it only flows during rain events and spring runoff.

Water quality - Assess whether the stream is listed as water quality impaired or threatened by DEQ, and whether the proposed project will affect water quality.

Determination: This stream is ephemeral and is not identified by DEQ.

Groundwater - Assess if the proposed project impacts ground water quality or supply. If this is a groundwater appropriation, assess if it could impact adjacent surface water flows.

Determination: The requested diversion is for surface water so it should not affect groundwater quality or supply.

DIVERSION WORKS - Assess whether the means of diversion, construction and operation of the appropriation works of the proposed project will impact any of the following: channel impacts, flow modifications, barriers, riparian areas, dams, well construction.

Determination: The diversion is an on-stream dam and has already been completed and has been in place for over 45 years. There will be no significant impacts associated with the issuance of this permit.

UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES

Endangered and threatened species - Assess whether the proposed project will impact any threatened or endangered fish, wildlife, plants or aquatic species or any “species of special concern,” or create a barrier to the migration or movement of fish or wildlife. For groundwater, assess whether the proposed project, including impacts on adjacent surface flows, would impact any threatened or endangered species or “species of special concern.”

Determination: The Montana Natural Heritage Program identified 5 “Species of special concern” that may inhabit the project area. The five species identified are the Black-tailed Prairie Dog, Hoary Bat, Fringed Myotis, Greater Sage-Grouse, and the Greater Short-horned Lizard. None of the identified species are listed as “endangered” or “threatened” by the US Fish & Wildlife Service. Since this project has already been completed, it will not have any significant impact on any of the identified species.

Wetlands - Consult and assess whether the apparent wetland is a functional wetland (according to COE definitions), and whether the wetland resource would be impacted.

Determination: No wetlands were identified in the project area by the National Wetlands Inventory report.

Ponds - For ponds, consult and assess whether existing wildlife, waterfowl, or fisheries resources would be impacted.

Determination: This project involves a reservoir that has been in existence for over 45 years. It will not have any significant negative impact on wildlife, waterfowl, or fisheries resources.

GEOLOGY/SOIL QUALITY, STABILITY AND MOISTURE - Assess whether there will be degradation of soil quality, alteration of soil stability, or moisture content. Assess whether the soils are heavy in salts that could cause saline seep.

Determination: The soils to be irrigated are identified as Eapa loam with 0-4% slopes. This soil type is classified as prime farmland if irrigated. None of the soils in the area have high salinity and so no saline seeps are expected to form. There will be no significant degradation of the soil quality associated with this project.

VEGETATION COVER, QUANTITY AND QUALITY/NOXIOUS WEEDS - Assess impacts to existing vegetative cover. Assess whether the proposed project would result in the establishment or spread of noxious weeds.

Determination: The proposed irrigation will be used for irrigating natural grasses. Controlling spread of noxious weeds will be the responsibility of the applicant.

AIR QUALITY - Assess whether there will be a deterioration of air quality or adverse effects on vegetation due to increased air pollutants.

Determination: There will be no adverse effects on air quality related to this project.

HISTORICAL AND ARCHEOLOGICAL SITES - Assess whether there will be degradation of unique archeological or historical sites in the vicinity of the proposed project if it is on State or Federal Lands. If it is not on State or Federal Lands simply state NA-project not located on State or Federal Lands.

Determination: NA- this project is located on private land.

DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AND ENERGY - Assess any other impacts on environmental resources of land, water and energy not already addressed.

Determination: No other impacts have been identified.

HUMAN ENVIRONMENT

LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS - Assess whether the proposed project is inconsistent with any locally adopted environmental plans and goals.

Determination: No known environmental plans or goals will be impacted by this project.

ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES - Assess whether the proposed project will impact access to or the quality of recreational and wilderness activities.

Determination: No access or recreational activities will be significantly impacted by this project.

HUMAN HEALTH - Assess whether the proposed project impacts on human health.

Determination: This project will have no significant impact on human health.

PRIVATE PROPERTY - Assess whether there are any government regulatory impacts on private property rights.

Yes___ No X If yes, analyze any alternatives considered that could reduce, minimize, or eliminate the regulation of private property rights.

OTHER HUMAN ENVIRONMENTAL ISSUES - For routine actions of limited environmental impact, the following may be addressed in a checklist fashion.

Impacts on:

- (a) Cultural uniqueness and diversity? No significant impacts identified
- (b) Local and state tax base and tax revenues? No significant impacts identified
- (c) Existing land uses? No significant impacts identified
- (d) Quantity and distribution of employment? No significant impacts identified
- (e) Distribution and density of population and housing? No significant impacts identified
- (f) Demands for government services? No significant impacts identified
- (g) Industrial and commercial activity? No significant impacts identified
- (h) Utilities? No significant impacts identified
- (i) Transportation? No significant impacts identified
- (j) Safety? No significant impacts identified
- (k) Other appropriate social and economic circumstances? No significant impacts identified

2. *Secondary and cumulative impacts on the physical environment and human population:*

Secondary Impacts? No significant impacts identified

Cumulative Impacts? No significant impacts identified

3. *Describe any mitigation/stipulation measures:* N/A

4. *Description and analysis of reasonable alternatives to the proposed action, including the no action alternative, if an alternative is reasonably available and prudent to consider:*

The only alternative would be a no action alternative. This is not a realistic option since construction of the dam has already been completed and it has been there for over 45 years.

PART III. Conclusion

1. *Preferred Alternative*

Issues a beneficial water use permit if the applicant proves the criteria in 85.2.302, MCA are met.

2 *Comments and Responses*

3. *Finding:*

Yes___ No X *Based on the significance criteria evaluated in this EA, is an EIS required?*

If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action:

The project has already been completed and no significant impacts have been identified based on the issuance of this permit.

Name of person(s) responsible for preparation of EA:

Name: Nathaniel T. Ward

Title: Water Resource Specialist

Date: August 26, 2013